

**FILED**

APR 01 2011

PATRICK E. DUFFY, CLERK

By \_\_\_\_\_  
DEPUTY CLERK, MISSOULA

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

CHARLES ADAM FIECHTNER, SR., ) CV 11-06-M-DWM-JCL  
)  
Plaintiff, )  
)  
vs. ) ORDER  
)  
GEICO INSURANCE, )  
CASANDRA ALFORD, )  
PETER WUERTZ, and )  
OFFICER VANCE, an Arizona )  
Police Officer, )  
)  
Defendants. )

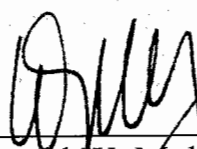
Plaintiff Charles Adam Fiechtner, Sr. filed an Amended Complaint in this action on February 11, 2011 as required by Order dated February 1, 2011. United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation on February 28, 2011 and recommended dismissing Fiechtner's Amended Complaint for lack of proper venue. Plaintiff did not timely object to the Findings and Recommendation, and so has waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court will review the Findings and

Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch found that Fiechtner’s Amended Complaint is subject to dismissal for improper venue. After a review of Judge Lynch’s Findings and Recommendation, I find no clear error. Accordingly,

IT IS HEREBY ORDERED that Judge Lynch’s Findings and Recommendation (dkt #9) are adopted in full. This action is DISMISSED for lack of proper venue.

Dated this 1<sup>st</sup> day of April, 2011.

  
\_\_\_\_\_  
Donald W. Molloy, District Judge  
United States District Court